

COMBINED DECLARATION AND POWER OF ATTORNEY

(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL,
DIVISIONAL, CONTINUATION OR CIP)

As a below named inventor, I hereby declare that:

TYPE OF DECLARATION

This declaration is of the following type: *(check one applicable item below)*

- ☒ original
☐ design
☐ supplemental

NOTE: If the declaration is for an International Application being filed as a divisional, continuation or continuation-in-part application do not check next item; check appropriate one of last three items.

- ☐ national stage of PCT

NOTE: If one of the following 3 items apply then complete and also attach ADDED PAGES FOR DIVISIONAL, CONTINUATION OR CIP.

- ☐ divisional
☐ continuation
☐ continuation-in-part (CIP)

INVENTORSHIP IDENTIFICATION

WARNING: If the inventors are each not the inventors of all the claims an explanation of the facts, including the ownership of all the claims at the time the last claimed invention was made, should be submitted.

My residence, post office address and citizenship are as stated below next to my name, I believe I am the original, first and sole inventor *(if only one name is listed below)* or an original, first and joint inventor *(if plural names are listed below)* of the subject matter which is claimed and for which a patent is sought on the invention entitled:

TITLE OF INVENTION

OSTEOGENIC IMPLANTS DERIVED FROM BONE

SPECIFICATION IDENTIFICATION

the specification of which: *(complete (a), (b) or (c))*

- (a) ☐ is attached hereto.
- (b) ☒ was filed on July 3, 2000 as ☒ Serial No. 09/610,026 or ☐ Express Mail No., as Serial No. not yet known _____ and was amended on _____ *(if applicable)*.

NOTE: Amendments filed after the original papers are deposited with the PTO which contain new matter are not accorded a filing date by being referred to in the declaration. Accordingly, the amendments involved are those filed with the application papers or, in the case of a supplemental declaration, are those amendments claiming matter not encompassed in the original statement of invention or claims. See 37 C.F.R. 1.67.

- (c) ☐ was described and claimed in PCT International Application No. _____ filed on _____ and as amended under PCT Article 19 on _____ *(if any)*.

ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. §1.56.

- ☐ and which is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable Examiner would consider it important in deciding whether to allow the application to issue as a patent, and
- ☐ in compliance with this duty there is attached an information disclosure statement in accordance with 37 C.F.R. 1.98.

PRIORITY CLAIM (35 U.S.C. §119)(a)-(d)

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

(complete (d) or (e))

- (d) ☒ no such applications have been filed.
- (e) ☐ such applications have been filed as follows.

NOTE: Where item (c) is entered above and the International Application which designated the U.S. itself claimed priority check item (e), enter the details below and make the priority claim.

**PRIOR FOREIGN/PCT APPLICATION(S) FILED WITHIN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS APPLICATION
AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. §119(a)-(d)**

COUNTRY (OR INDICATE IF PCT)	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 35 U.S.C. 119
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

**CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S)
(35 U.S.C. §119(e))**

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below:

PROVISIONAL APPLICATION NUMBER

FILING DATE

____/____/____

____/____/____

____/____/____

____/____/____

**ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

NOTE: If the application filed more than 12 months from the filing date of this application is a PCT filing forming the basis for this application entering the United States as (1) the national stage, or (2) a continuation, divisional, or continuation-in-part, then also complete ADDED PAGES TO COMBINED DECLARATION AND POWER OF ATTORNEY FOR DIVISIONAL, CONTINUATION OR CIP APPLICATION for benefit of the prior U.S. or PCT application(s) under 35 U.S.C. §120.

FOOTNOTES 26524660

POWER OF ATTORNEY

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (*List name and registration number*)

PETER G. DILWORTH, Reg. No. 26,450; ROCCO S. BARRESE, Reg. No. 25,253; DAVID M. CARTER, Reg. No. 30,949; PAUL J. FARRELL, Reg. No. 33,494; PETER DELUCA, Reg. No. 32,978; JEFFREY S. STEEN, Reg. No. 32,063; JOSEPH W. SCHMIDT, Reg. No. 36,920; RAYMOND E. FARRELL, Reg. No. 34,816; ADRIAN T. CALDERONE, Reg. No. 31,746; GEORGE M. KAPLAN, Reg. No. 28,375; RUSSELL R. KASSNER, Reg. No. 36,183; CHRISTOPHER G. TRAINOR, Reg. No. 39,517; GEORGE LIKOUREZOS, Reg. No. 40,067; JAMES M. LOEFFLER, Reg. No. 37,873; EDWARD C. MEAGHER, Reg. No. 41,189; SUSAN L. HESS, Reg. No. 37,350; MICHAEL P. DILWORTH, Reg. No. 37,311; PETER B. SORELL, Reg. No. 44,349; GLENN D. SMITH, Reg. No. 42,156; MICHAEL E. CARMEN, Reg. No. 43,533; HAROLD G. FURLOW, Reg. No. 43,621; KEVIN C. ECKER, Reg. No. 43,600; THEODOSIOS THOMAS, Reg. No. 45,159; DANIEL E. TIERNEY, Reg. No. 33,461; and, MICHAEL J. MUSELLA, Reg. No. 39,310, each of them of DILWORTH & BARRESE, LLP, 333 Earle Ovington Boulevard, Uniondale, New York 11553.

SEND CORRESPONDENCE TO:

DIRECT TELEPHONE CALLS TO:
(*Name and telephone number*)

DILWORTH & BARRESE, LLP
333 Earle Ovington Boulevard
Uniondale, New York 11553

(516) 228-8484

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURE(S)

NOTE: Carefully indicate the family (or last) name as it should appear on the filing receipt and all other documents.

Full name of sole or first joint inventor Todd M. Boyce

Inventor's signature 

Date 7/11/06

Country of Citizenship U.S.A.

Residence Aberdeen, New Jersey

Post Office Address 515 Wellington Place, Aberdeen, NJ 07747

Full name of **second joint inventor**, if any David Kaes
inventor's signature [Signature]
Date 7/11/00 Country of Citizenship U.S.A.
Residence Toms River, New Jersey
Post Office Address 2198 Old Church Road, Toms River, New Jersey 08753

Full name of **third joint inventor**, if any Nelson L. Scarborough
Inventor's signature [Signature]
Date 7/11/00 Country of Citizenship U.S.A.
Residence Ocean, New Jersey
Post Office Address 47 Lambert Johnson Drive, Ocean, New Jersey 07712

**CHECK PROPER BOX(ES) FOR ANY OF THE FOLLOWING
ADDED PAGE(S) WHICH FORM A PART OF THIS DECLARATION**

- ☐ Signature for subsequent joint inventors.
Number of pages added ____.
- ☐ Signature by administrator(trix), executor(trix) or legal representative for deceased or incapacitated inventor.
Number of pages added ____.
- ☐ Signature for inventor who refuses to sign or cannot be reached by person authorized under 37 C.F.R. §1.47.
Number of pages added ____.

- ☐ Added pages to combined declaration and power of attorney for divisional, continuation, or continuation-in-part (CIP) application.
Number of pages added 1.

- ☐ Authorization of attorney(s) to accept and follow instructions from representative.

If no further pages form a part of this Declaration then end this Declaration with this page and check the following item.

☒ This declaration ends with this page.

FOOT-25E2660

PATENT

For: ☒ U.S. and/or ☒ Foreign Rights
For: ☒ U.S. Application or ☐ U.S. Patent
By: ☒ Inventor(s) or ☐ Present Owner

ASSIGNMENT OF INVENTION

In consideration of the payment by ASSIGNEE to ASSIGNOR of the sum of One Dollar (\$1.00), the receipt of which is hereby acknowledged, and for other good and valuable consideration,

ASSIGNOR: Todd M. Boyce
David Kaes
(Inventor(s) or Nelson L. Scarborough

person(s) or entity(es)
who own the invention)

(If assignment is by person or entity to whom invention was previously assigned and this was recorded in PTO add the following)

Recorded on _____

Reel _____

Frame _____

hereby sells, assigns and transfers to

ASSIGNEE:

OSTEOTECH, INC.

(Type or print name of ASSIGNEE)

51 James Way

Address

Eatontown, New Jersey 07724

U.S.A.

Nationality

and the successors, assigns and legal representatives of the ASSIGNEE

(complete one of the following)

☒ the entire right, title and interest

☐ an undivided _____ percent (_____%) interest for the United States and its territorial possessions

(check the following box if foreign rights are also to be assigned)

☒ and in all foreign countries, including all rights to claim priority, in and to any and all improvements which are disclosed in the invention entitled:

OSTEOGENIC IMPLANTS DERIVED FROM BONE

(check and complete (a), (b), (c), (d), (e) or (f))

and which is found in

- (a) ☒ U.S. patent application executed on even date herewith.
(b) ☐ U.S. patent application executed on _____
(c) ☐ U.S. Application Serial No. _____ filed on _____
(d) ☐ U.S. Patent No. _____ issued _____
(e) ☐ U.S. Provisional Patent Appln. Ser. No. _____ filed on _____
(f) ☐ PCT Application No. _____ filed on _____

☐ A change of address to which correspondence is to be sent regarding patent maintenance fees is being sent separately.

(also check (g) if foreign application(s) is also being assigned)

- (g) ☒ and any legal equivalent thereof in a foreign country, including the right to claim priority

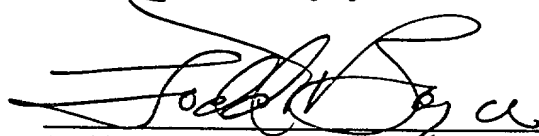
and, in and to, all Letters Patent to be obtained for said invention by the above application or any continuation, continuation in part, division, renewal, or substitute thereof, and as to letters patent any reissue or re-examination thereof

ASSIGNOR hereby covenants that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment;

ASSIGNOR further covenants that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said invention and said Letters Patent and legal equivalents as may be known and accessible to ASSIGNOR and will testify as to the same in any interference, litigation or proceeding related thereto and will promptly execute and deliver to ASSIGNEE or its legal representatives any and all papers, instruments or affidavits required to apply for, obtain, maintain, issue and enforce said application, said invention and said Letters Patent and said equivalents thereof which may be necessary or desirable to carry out the purposes thereof.

IN WITNESS WHEREOF, I/We have hereunto set hand and seal this _____ (Date of signing).

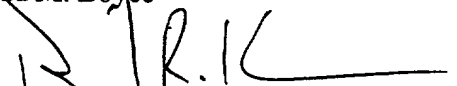
WARNING: Date of signing must be the same as the date of execution of the application if item (a) was checked above.



Todd M. Boyce

6/20/00

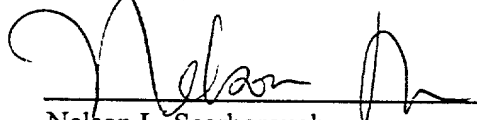
Dated



David Kaes

6/20/00

Dated



Nelson L. Scarborough

6/20/00

Dated

Dated

Dated

Dated

If ASSIGNOR is a legal entity complete the following information

Type or print the name of the above person
authorized to sign on behalf of ASSIGNOR

Title

NOTE: No witnessing, notarization or legalization is necessary. If the assignment is notarized or legalized then it will only be prima facie evidence of execution 35 USC 261. Use next page if notarization is desired.

☒ Notarization or Legalization Page Added.

STATE OF *New Jersey*
ss:
COUNTY OF *Monmouth*

On this *20* day of *June*, 20*00*, before me personally
appeared *Todd M. Boyce* to me personally known and known to me to be the
person who signed the foregoing assignment and acknowledged the signing of same as his free
act and deed.

Linda Manning Savoca
Notary Public

LINDA MANNING SAVOCA
Notary Public of New Jersey
No. 2102832, Ocean County
Commission Expires July 27, 2002

STATE OF *New Jersey*
ss:
COUNTY OF *Monmouth*

On this *20* day of *June*, 20*00*, before me personally
appeared *David Kaes* to me personally known and known to me to be the
person who signed the foregoing assignment and acknowledged the signing of same as his free
act and deed.

Linda Manning Savoca
Notary Public

LINDA MANNING SAVOCA
Notary Public of New Jersey
No. 2102832, Ocean County
Commission Expires July 27, 2002

STATE OF *New Jersey*
ss:
COUNTY OF *Monmouth*

On this *20* day of *June*, 20*00*, before me personally
appeared *Nelson L. Scarborough* to me personally known and known to me to be the
person who signed the foregoing assignment and acknowledged the signing of same as his free
act and deed.

Linda Manning Savoca
Notary Public

LINDA MANNING SAVOCA
Notary Public of New Jersey
No. 2102832, Ocean County
Commission Expires July 27, 2002

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